

1 DAN SIEGEL, SBN 56400  
ANNE BUTTERFIELD WEILLS, SBN 139845  
2 EMILYROSE JOHNS, SBN 294319  
MICAHA CLATTERBAUGH, SBN 316808  
3 SIEGEL, YEE, BRUNNER & MEHTA  
4 475 14th Street, Suite 500  
Oakland, CA 94612  
5 Telephone: 510.839.1200  
Telefax: 510.444.6698

6 Attorneys for Plaintiff  
7 ANNELIESE HARLANDER

ELECTRONICALLY FILED  
Superior Court of California  
County of Santa Cruz  
3/4/2019 2:42 PM  
Alex Calvo, Clerk  
By: Helena Hanson, Deputy



8  
9  
10 SUPERIOR COURT FOR THE STATE OF CALIFORNIA  
11 COUNTY OF SANTA CRUZ

12 ANNELIESE HARLANDER,  
13  
14 Plaintiff,

Case No. 19CV00714

COMPLAINT FOR DAMAGES

15 v.

16 GOPAL BALAKRISHNAN, and DOE 1 through  
DOE 10,

17 Defendants.  
18  
19

20 Plaintiff ANNELIESE HARLANDER brings this complaint against defendants  
21 GOPAL BALAKRISHNAN, and DOE 1 through DOE 10 and alleges as follows:

22 PRELIMINARY STATEMENT

23 1. ANNELIESE HARLANDER, a former student at the University of California,  
24 Santa Cruz (UCSC), brings this action for damages against GOPAL BALAKRISHNAN, and  
25 DOE 1 through DOE 10, based on injuries sustained by plaintiff as a result of the sexual  
26 assault BALAKRISHNAN committed against her.  
27

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27

2           2.       The actions and events giving rise to this lawsuit occurred in the City of Santa  
3 Cruz, County of Santa Cruz, within the geographical jurisdiction of this Court.

5 **PARTIES**

6           3.       At all times relevant hereto plaintiff ANNELIESE HARLANDER was a recent  
7 graduate of UCSC, a citizen of the State of California, and a resident of Santa Cruz,  
8 California.

9           4.     At all times relevant hereto, defendant GOPAL BALAKRISHNAN was a  
10   tenured faculty member at UCSC.

11           5.       The true names and capacities of the defendants named herein as Does 1  
12 through 10, inclusive, whether individual, corporate, associate, or otherwise are unknown to  
13 plaintiff Harlander, who therefore sues such defendants by such fictitious names pursuant to  
14 Code of Civil Procedure § 474. Harlander is informed, believes, and therefore alleges that  
15 each of the fictitiously named defendants is responsible in the manner set forth herein, or  
16 some other manner for the occurrences alleged herein and that the damages as alleged  
17 herein were proximately caused by their conduct. Harlander is informed, believes, and  
18 therefore alleges that each of the fictitiously named defendants is a California resident.  
19 Harlander will amend this complaint to show the true names and capacities of each of the  
20 fictitiously named defendants when such names and capacities have been determined.

20  
21           6. Harlander is informed and believes and, based on that information and belief,  
22 alleges that at all times mentioned in this complaint, defendants were the agents and  
23 employees of their co-defendants, and in doing the things alleged in this complaint, were  
24 acting in the course and scope of such agency and employment.

## STATEMENT OF FACTS

7. Plaintiff ANNELIESE HARLANDER was an undergraduate student at UCSC from 2009 through 2013. She received her Bachelor of Arts degree with a major in Anthropology on June 13, 2013. Harlander's date of birth was January 16, 1991.

8. Defendant GOPAL BALAKRISHNAN is a professor of Humanities employed at UCSC.

9. Defendant BALAKRISHNAN is well known among fellow faculty members and undergraduate and graduate students who teach and/or study Humanities at UCSC for his inappropriate and unethical behavior towards students. His actions have included providing students with unlawful drugs including cocaine, providing alcohol to female students in efforts to render them intoxicated and susceptible to his sexual advances, and efforts to impose himself sexually on female students.

10. On or about June 18, 2013, plaintiff HARLANDER attended a graduation party at the home of a neighbor in Santa Cruz. Defendant BALAKRISHNAN also attended the party and brought alcohol to share with recent graduates and students in attendance.

11. Plaintiff HARLANDER became obviously intoxicated as a result of drinking alcoholic beverages at the party and lapsed into unconsciousness. Defendant BALAKRISHNAN walked plaintiff back to her home and without her permission let himself into her residence.

12. Defendant BALAKRISHNAN without her permission or consent and by use of force to overcome her resistance removed plaintiff HARLANDER'S clothes as well as his own clothes and sexually assaulted her. Plaintiff HARLANDER did not consent to engaging in sexual activity with defendant BALAKRISHNAN and/or was incapable of consent to sexual activity due to her extreme intoxication.

13. Defendant BALAKRISHNAN'S actions against plaintiff HARLANDER constituted sexual battery within the meaning of Penal Code § 243.4, rape or attempted rape

1 within the meaning of Penal Code § 261, and forced oral copulation within the meaning of  
2 Penal Code § 287.

3 14. As a direct result of defendant BALAKRISHNAN'S actions against plaintiff  
4 HARLANDER, plaintiff HARLANDER became mentally incapacitated within the meaning of  
5 California Code of Civil Procedure § 52.4 as of June 18, 2013, and remained incapacitated  
6 and incapable of asserting her rights in this matter until September 2017.

7 **FIRST CLAIM FOR RELIEF -**

8 **SEXUAL ASSAULT**

9 **(Code of Civil Procedure § 340.16)**

10 15. Plaintiff refers to and incorporates by reference paragraphs 1-14 above as  
11 though fully set forth herein.

12 16. By virtue of the foregoing, defendant BALAKRISHNAN committed sexual  
13 assault on plaintiff HARLANDER.

14 **SECOND CLAIM FOR RELIEF -**

15 **VIOLATION OF THE RALPH CIVIL RIGHTS ACT OF 1976**

16 **(Civil Code § 51.7)**

17 17. Plaintiff refers to and incorporates by reference paragraphs 1-16 above as  
18 though fully set forth herein.

19 18. By virtue of the foregoing, defendant BALAKRISHNAN committed acts of  
20 violence and intimidation against plaintiff HARLANDER because of her sex.

21 **THIRD CLAIM FOR RELIEF -**

22 **VIOLATION OF THE TOM BANE CIVIL RIGHTS ACT**

23 **(Civil Code § 52.1)**

24 19. Plaintiff refers to and incorporates by reference paragraphs 1-18 above as  
25 though fully set forth herein.  
26  
27

20. By virtue of the foregoing, defendant BALAKRISHNAN committed sexual assault on plaintiff HARLANDER and thereby interfered by intimidation or coercion with plaintiff's rights to life, liberty, the pursuit of happiness, due process, and equal protection of the laws.

## DAMAGES

21. As a result of defendant's actions, ANNELIESE HARLANDER was harmed and suffered damages as follows:

(a) She suffered extreme physical and emotional distress and will suffer such physical and emotional distress in the future;

(b) She was unable to continue her studies or to maintain regular employment;

(c) She incurred damages in the form of expenses for medical and psychological/psychiatric care and will incur such expenses in the future;

(d) She suffered damages in the form of lost compensation and will suffer such damages in the future.

22. In taking the actions alleged above, defendant GOPAL BALAKRISHNAN engaged in conduct that was malicious, oppressive, and in reckless disregard of the rights of plaintiff HARLANDER. Accordingly, plaintiff is entitled to punitive damages against defendant BALAKRISHNAN.

WHEREFORE, plaintiff ANNELIESE HARLANDER requests that this Court grant her relief as follows:

(1) General damages for emotional and physical distress, pain, and suffering, in an amount to be determined;

(2) Compensatory damages for lost income and loss of earning capacity, in an amount to be determined;

- 1 (3) Compensatory damages for past and future medical and  
2 psychological/psychiatric care, in an amount to be determined;  
3 (4) Punitive damages in an amount to be determined;  
4 (5) Interest at the legal rate;  
5 (6) Attorneys' fees;  
6 (7) Costs of suit; and  
7 (8) Such other and further relief as the Court may deem proper.  
8

9 Dated: March 4, 2019

10 SIEGEL, YEE, BRUNNER & MEHTA

11  
12 By 

13 Dan Siegel

14 Attorneys for Plaintiff  
15 ANNELIESE HARLANDER  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27